

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

)	
SCOTT TURNAGE, CORTEZ D.)	
BROWN, DEONTAE TATE, JEREMY)	
S. MELTON, ISSACCA POWELL,)	
KEITH BURGESS, TRAVIS BOYD,)	
TERRENCE DRAIN, and KIMBERLY)	
ALLEN on behalf of themselves)	
and all similarly situated)	
persons,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:16-cv-2907-SHM-tmp
)	
BILL OLDHAM, FLOYD BONNER,)	
JR., ROBERT MOORE, KIRK)	
FIELDS, CHARLENE McGHEE,)	
REGINALD HUBBARD, DEBRA)	
HAMMONS, TIFFANY WARD, SHELBY)	
COUNTY, TENNESSEE, TYLER)	
TECHNOLOGIES, INC., GLOBAL)	
TEL*LINK CORPORATION,)	
SOFTWARE AG USA, INC.,)	
SIERRA-CEDAR INC., SIERRA)	
SYSTEMS GROUP, INC., and)	
TETRUS CORP.,)	
)	
Defendants.)	
)	

ORDER

Before the Court is Defendant Global Tel*Link Corporation's March 12, 2019 Motion to Dismiss Plaintiffs' Fifth Amended Complaint (the "Motion to Dismiss"). (ECF No. 178.) The Motion to Dismiss argues that Plaintiffs' February 26, 2019 Fifth Amended Complaint (ECF No. 170) fails to state a claim against

Global Tel*Link Corporation for which relief can be granted.
(Id.)

On May 1, 2019, Plaintiffs filed a Sixth Amended Complaint by the Court's leave. (ECF No. 198.) On the same day, Plaintiffs filed a response to the Motion to Dismiss in which they argue that the filing of the Sixth Amended Complaint renders the Motion to Dismiss moot. (ECF No. 199.) Global Tel*Link Corporation filed an Answer in response to Plaintiffs' Sixth Amended Complaint on May 15, 2019. (ECF No. 209.)¹ Plaintiffs filed a Seventh Amended Complaint by the Court's leave on June 19, 2019. (ECF No. 218.) Global Tel*Link Corporation filed an Answer in response to Plaintiffs' Seventh Amended Complaint on July 3, 2019. (ECF No. 228.)

When a plaintiff files an amended complaint, the new complaint supersedes all previous complaints and controls the case from that point forward. Parry v. Mohawk Motors of Mich., Inc., 236 F.3d 299, 306 (6th Cir. 2000) (citing In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000)). The amended complaint is the only "legally operative complaint." Id. Courts in this Circuit conclude that motions to dismiss complaints superseded by amended complaints are moot. See ABB, Inc. v. Reed City Power Line Supply Co., No. 1:07-cv-420, 2007 WL

¹ Global Tel*Link Corporation did not reply to Plaintiffs' response to the Motion to Dismiss.

2713731, at *1 (W.D. Mich. Sept. 18, 2007) (collecting cases).

"Because the original complaint has been superseded and nullified, there is no longer a live dispute about the propriety or merit of the claims asserted therein; therefore, any motion to dismiss such claims is moot." Id.

Plaintiffs' Seventh Amended Complaint is the operative complaint before the Court. Global Tel*Link Corporation's Motion to Dismiss, filed in response to Plaintiffs' Fifth Amended Complaint, is DENIED as moot.

So ordered this 4th day of September, 2019.

/s/ Samuel H. Mays, Jr.

Samuel H. Mays, Jr.

UNITED STATES DISTRICT JUDGE